

SEP 10 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LOUIS CHARLES MORGAN,

Defendant - Appellant.

No. 06-50234

D.C. No. CR-04-00102-AHS-1

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, District Judge, Presiding

Submitted September 8, 2008^{**}

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Louis Charles Morgan appeals from the district court's decision, following a limited remand under *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc), that it would not have imposed a different sentence had it known

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

that the Sentencing Guidelines were advisory. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Morgan contends that the district court erred by failing to consider the 18 U.S.C. § 3553(a) sentencing factors during the *Ameline* remand. We conclude that the district court “properly understood the full scope of [its] discretion in a post-*Booker* world.” *See United States v. Combs*, 470 F.3d 1294, 1297 (9th Cir. 2006).

AFFIRMED.